

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

FILED
U.S. DISTRICT COURT

2005 NOV -4 A 10: 22

CRAIG C. GARRETT,

Petitioner,

vs.

UNITED STATES OF AMERICA.

Respondent.

DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

ORDER & MEMORANDUM DECISION

Civil Case No. 1:04CV92

Criminal Case No. 1:03CR9

This matter is before the court on Petitioner Craig C. Garrett's motion to clarify the court's September 12, 2005 denial of his petition to vacate, set aside or correct his sentence under 28 U.S.C. § 2255. Mr. Garrett, in his original petition, contended that he was not legally convicted for possession of a firearm following a conviction for domestic violence, under 18 U.S.C. § 922(g)(9), because he had not previously been convicted of a felony crime of domestic violence. In its September 12 Order, the court explained that a conviction under 18 U.S.C. § 922(g)(9) requires only that Mr. Garret had earlier been convicted of a "misdemeanor crime of domestic violence." 18 U.S.C. § 922(g)(9) (emphasis added). And Mr. Garrett admitted that on October 4, 2002, in the Sixth District Court of Idaho he was convicted of a misdemeanor violation of Idaho Code § 18-918 which "generally prohibits assaults and batteries among 'household members.'" State v. Hansell, 114 P.3d 145, 147 (Idaho 2005).

There is no question that Mr. Garrett was convicted was a “misdemeanor crime of domestic violence” and that his conviction was legal. Accordingly, Mr. Garrett’s motion for clarification is DENIED.

SO ORDERED this 4 day of November, 2005.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Tena Campbell", written in a cursive style.

TENA CAMPBELL
United States District Judge